# PROSECUTION NOW CLOSES ITS CASE

Francis C. Huebner First Witness for the Defense.

#### AN EMPLOYE OF OFFICE

Important Facts Brought Out by Major Conrad in the Cross-Examination.

The Government today concluded the presentation of its case in the Tyner-Barrett conspiracy trial in Criminal Court No. 1, Judge Pritchard presiding. The defense immediately called its first employed in General Tyner's office in the Postoffice Department, and engaged there under the latter's successors to

the present time.

The closing of the Government's side was an important step in the progress of the trial. It was made subject to the introduction of a small amount of witness for the prosecution appears As there was some doubt of his taking the stand, however, the prosecution did not desire to delay the trial by waiting.

#### Subposnaed by Both.

not called by them. He was immetheir witness, and took the stand for

In the course of his testimony Mr. Worthington referred to this fact, and Major Conrad explained the prosecution's course by saying he "knew the detense would call him anyway."

The developments of the examination of this witness indicated that the prosecution expected to gain a greater advantage by admissions from the witness on cross-examination than by finding him in any wise uncertain as to the answers desired by the Government attorneys.

### A Czar's Power.

The important feature of Huebner's testimony related to the practice of the department in dealing with concerns fraud order business. He said General Tyner had told him that the power to issue fraud orders was not given to anyone except the Czar of Russia and that therefore he ought to be very careful as to how such orders were sent out with the sanction of the department.

The practice of the department, witness said, in taking final action on the reports of inspectors, was not necessarily to issue fraud orders on their sworn statements, such reports being regarded as rebuttable. If the company concerned did not appear to protest against the issuance of a fraud order, the inspector's report would be accepted as correct.

A great deal of questioning followed to get additional light on the "discretion" which Witness Huebner exercised as to the issuance of fraud orders. Eventually, he said, the head of the office (Tyner) was the final arbiter of all the cases, and that he (Huebner) merely nitted a memorandum in each case.

## Turf Schemes Show Up.

The turf investment concerns which were investigated last summer, under personal directions from President Roosevelt, were discussed at some length. The prosecution submitted docfiles, showing how Barrett had acted as

under indictment in St. Louis and is a fugitive from justice.

The prosecution presented evidence of the payment to Barrett of \$5,000 as a retaining fee and \$1,000 for procuring a favorable decision from Tyner. Barrett, of course, accepted the fees for professional services, being then in practice of the law in Baltimore.

The Tyner opinion was read to the jury, and Mr. Taggart announced that the last paragraph had been struck through with a lead pencil line. When Mr. Worthington asked why that had been done, Mr. Taggart declared the Arnold Company had circulated the Tyner opinion as an indorsement of their business, with a fac-simile of General Tyner's signature. The reason why the last paragraph had been eliminated, he said, was because it stated the opinion in hand would not prevent a reopening of the case if another application was made for the issuance of a fraud order.

Mayor Conrad Persistent. Mayor Conrad Persistent.

## When the defense had opened its case

Major Conrad took up the cross-examination and proved an unrelenting ques-

red to his employment in cases before

"What do you mean by that?" queried Major Conrad, "You were a 'prosecutor' in the office?" "Well, that is what General Tyner sometimes called me," replied the wit-

ness.
"In a Pickwickian sense?" suggested
Major Conrad.
Witness said it was not exactly in that
way, but referred somehow to the fact
that he was looked to for the exercise
of a certain "discretion" in bringing
matters to the attention of General
Tyner.

matters to the attention
Tyner.

Major Conrad was quick to turn this
remark, to his advantage by saying:
"But prosecutors have no discretion,
Mr. Worthington has said."
"I hadn't known this witness then,"
retorted Mr. Worthington; "I was merely judging by the men who were before
me here" (the opposing attorneys).
Judge Pritchard interrupted to ask
how much longer the cross-examination
would take.

Judge Pritchard interrupted to ask how much longer the cross-examination would take.

"I think we will get on better after lunch." observed Major Conrad, as he heaved a sigh. In the midst of the laughter that ensued the court ordered the usual recess to be taken.

General and Mrs. Tyner were both absent from the courtroom this morning, but two additional young women joined the Barrett party and listened attentively to the evidence. In General Tyner's absence, Mr. Worthington found the Morris chair a comfortable place to rest during the reading of long documents by the prosecution.

Kidder Resumes Stand

### Kidder Resumes Stand.

At the opening of court today, F. B. Kidder, formerly secretary of the Physicians' Institute of Chicago, who was on the stand yesterday, resumed his testimony. Mr. Worthington read several documents bearing upon this part of the

Witness did not recall who had referred him to Mr. Barrett, but did not connect General Tyner's name with the in-cident. He did not know of Barrett's

## Japanese Torpedo Boat Blown Up; Seven Killed and Number Injured

General Oku before throwing himself

On to Kai-Ping. On the other hand, the report is conirmed that the bulk of the second army, landed at Pitsewo, is straight north to Kai-ping to form the left of General Kuroki's forces when he dvances on Liao-Yang. We had already foreseen that this army might well have some other object than the siege of Port Arthur and might well be destined at

vasion of Manchuria.

divisions, with cooles and a great quantity of supplies, does not make of this army concentrated south of Liao-Yang, even if it only consisted of 50,000 men, an attractive booty, and whether even a partial victory over the victors of Chin-Tien-Cheng would not win an equally famous prestige?

#### Raids and Skirmishes.

For the second time news dispatches, telegraphed this time from Tokyo and Seoul, announce that a party of Cossacks has made a bold raid on Anju, on the rear of the Japanese army, in the heart of Korea. This raid does honor to their bravery, but it must have had some object of which the dispatches do not least temporarily, to undertake an in-

least temporarily, to undertake an invasion of Manchuria.

Let us add that the evacuation of Niuchwang is quite likely to have as a consequence the landing of a third Japanese army at this point, a landing which would have been an operation much too hazardous when the Russians occupied it in force, but which becomes necessary under present conditions.

Russians Need Time.

If Generals Kuroki and Oku can advance upon the enemy after their junction it will be much more difficult for General Kuropatkin to win the engagement, and it will be readily understood that before joining issues he wants to gain more time and await new re-enforcements. But as far as we may hazard an opinion, considering that only poor maps of the ground exist and that all other elements of giving a military opinion are lacking, we may be permitted to ask whether this double flank-

## JA'PANESE RE-ENFORCEMENTS DRIVE COSSACKS FROM ANJU

SEOUL, May 13.-Infantry re-enforce-| The official reports add one officer and rison by the Russians. The garrison

The Cossacks retired with heavy loss, the Japanese pursuing. An engagement is exacted.

The prisoners say that the Russian expedition was composed of 600 Trans-Baikal Cossacks and 100 Ussursky Cossacks of Mandariloff's command. They assembled at Liaoyang and rode twenty-five miles daily, carrying twelve days' provisions. They crossed the Yalu north of Sosan and raided southward. They divided into bands on attacking Anju.

ments reached Anju last evening and ten privates to the original fifty said to have been killed and wounded.
Several detachments of mounted Jap-

Witness Huebner was subpoensed fought fiercely for twelve hours, reservances troops are operating from the originally by the prosecution, but was ing their fire until the Cossacks were at towns between Anju and Wiju. it being thought that the Russians may attempt a flank movement in that part of the

The Japanese legation has received the ollowing report from Tokyo, dated May

"On the morning of May 10 a detachment of Russian cavalry, about two hundred strong, attacked a small Japanese outpost at Anju, Korea. The garrison there offered a stubborn resistance until re-enforcements arrived from the south and north. Our casualties were four killed and six wounded. The casualties of the enemy exceeded fifty."

phase of the case. There had been consultation over the size of the fee, if Barrett accepted the company's request to act as attorney. Barrett had said it would have to be a very large fee. Witness had asked how much. Barrett had replied, "Five thousand dollars." An

replied, "Five thousand dollars." An arrangement to that effect was concluded and the money paid in installments.

Major Conrad evinced an interest in the witness' reply about the added anxiety to employ Barrett after he had once refused to take the case.

Witness did not appear pleased with the prosecution's desire to probe into this matter, and replied, laconically:
"Wanting something that I thought I couldn't get."

"That is all," replied Major Conrad.

Mr. Worthington asked witness what he meant by that answer, and he commented that he thought it was only ratural for persons to make extra efforts to get what they thought was beyond their power to obtain.

Letter Date Changed.

## Letter Date Changed.

F. V. Keyser, a clerk in the office of the Assistant Attorney General for the the attorney for the E. J. Arnold turf Postoffice Department in 1901, testified concern, the principal of which is now the had been General Tyner's stenog under indictment in St. Louis and is a rapher and typewriter. He identified He identified letters written by him from dictation.
Mr. Taggart showed him a letter on

Mr. Taggart showed him a letter on which the date had been changed, apporently, and asked him whether he could explain anything about it.

"The date I placed there, November 19, 1901, has been stricken out and 20 inserted in place of 19," replied the witness. He could not tell why the alteration had been made, and said he had no recollection of having made the change, although saying it looked as if done on his typtwriter in Tyner's office.

## Turf Investment Scheme.

Papers relating to another matter in December, 1902, were taken up by Mr. rupted to follow out another line of This was the investigation made by

department into the turf invest ment business conducted by E. J. Arnold & Co., of St. Louis, Mo., for whom Barrett was attorney.
Mr. Taggart read an agreement be-

Mr. Taggart read an agreement between the company and Barrett for a \$5,000 fee; a letter from Tyner to Barrett inclosing the department's ruling closing the investigation, and asking Barrett to so inform his clients; and a check, numbered 2401, dated St. Louis. December 1, 1902, making \$1,000 payable to Harrison J. Barrett as an installment of the fee.

## Rosy-Hued Prospectus.

The Arnold Company's prospectus was read by Mr. Taggart, telling of the ownership of "the finest racing stables n the West," the playing of the races, etc., and the payment of a 3 per cent weekly dividend.

This high dividend caused an investigation by the Postoffice Department of the company's method of doing busi

necessary to rebuild wasted Brain and

## Grape=Nuts

Get the little book, "The Road to Vellville" in each pkg.

relationship to Tyner, but knew he had been in the Postoffice Department.

Witness had formed the idea, after the visit of the postoffice inspectors, that their report on his company would be adverse. They had not so stated, but he felt sure of his inference.

A trip to Baltimore with a business partner, to consult with Barrett, was described. Witness said Barrett had replied that he could not accept employment as the company's attorney. This, witness said, increased their desire to obtain Barrett's services.

Barrett Gof \$5,000.

Mr. Taggart made inquiry into this phase of the case. There had been conspany were dropped for a time, when Tyner sent Barrett the letter first referred to.

Light on the Business.

### Light on the Business.

Some of the exhibits submitted by the prosecution in this connection were of

much interest. When the Arnold Company went into he hands of a receiver last July it had habilities of \$3,120,776, with assets of only \$75,000. The cash on hand amounted to only \$35,000 with which to pay the 3 per cent weekly dividend to investors, of whom there were almost 13,000. One investor put in \$20,000, it was found.

Another newspaper clipping was submitted, purporting to quote an agreement signed by Barrett under date of September 20, 1992. It said that "It is understood that in the event no action is taken by the Postoffice Department in the matter of the League of Educators, Chicago, a fee of \$500, in monthly installments of \$50 each, is to be paid Harrison J. Barrett for professional services."

## Attorneys Exchange Views.

A brief controversy ensued between Mr. Worthington and Major Conrad as to the whereabouts of a previous witness. Each disclaimed responsibility for his discharge. Mr. Worthington, some length, placed the blame on the attorneys for the Government. "When a lawyer becomes a preacher, it is mighty hard to control him," sighed Major Conrad as Mr. Worthington concluded. This remark caused a general laugh.

Prosecution's Case Closed. At this juncture Major Conrad announced that the prosecution might have one more witness, who had been summoned but had not yet arrived. Beyond this he was ready to close the case for the prosecution.

Judge Pritchard thereupon announced the prosecution's case closed, with the reservation desired by Major Conrad.

Defense Calls Witness.

The first witness called by the defense was Francis C. Huebner. ployed in the office of the Assistant Attorney General of the Postoffice Department since July, 1897. On beginning his

was there,
Fraud orders, witness said, came before the office on reports of inspectors.
He described the routine of the office
so far as it related to his own work,
Witness said he "considered" Mr.

\$1.00 to Frederick, Keedysville (for Antietam), Hagerstown, Harpers Ferry and Winchester, and return, leaving B. & O. R. R. station, Washington, 8:30 a. m., Sunday, May 15. Fine opportunity for country outing.

MADIGAN-At 10:15 o'clock p. m., MARGARET A., beloved wife of Wilam J. Madigan. Notice of funeral hereafter.

## THE DEATH RECORD.

THE DEATH RECORD.

st, Mary, 53, Washington Asyl. Hosp.
ag, Clinton, 63, 1667 I St. N. W.
Lillian A., 44, 468 Virginia Ave. S. W.
I, Henrietta, 39, 1001 B St. N. E.
s, Emma, 44, 1003 3d St. S. W.
Addison T., 48, 1253 35th St.
William, 29, Washington Agyl. Hosp.
Sarah, 57, 1861 Harvard St.
Daniel B., 29, 52 H St. N. E.
Martha, 26, 2312 Brightwood Ave.
Reason H., 89, 1604 33d St.
Ruth, 10 days, 620 7th St. N. E.
elford, Clementine, 42, 1630 Florida Ave.
W.
Ling 24, 200 Jeoleon St. Angentia N. W. John, 64, 330 Jackson St., Anacosti, alker, Luther, 8, 1220 R St. N. W. attord, Edw. L., 67, 112 East Capitol St., nittingtor, George, 65, Wash, Asyl. Hospood, Alise, 26, 1228 Trinidad Ave. N. E.

J. WILLIAM LEE, Ul DERTAKER AND LIVERY. 882 Penu. Ave. N. W. Washington, D. C.

## AMERICAN BISHOPS AND ROMAN CHURCH

With the Pope-Statement by the Apostolic Legation.

The following statement was today | can spirit of liberty and the absolutism given out at the Apostolic legation:

"We are authoritatively informed that here is no truth whatever in the curwhich have arisen in ecclesiastical circles on account of the alleged Ameri- | ever be otherwise.

Christiancy in charge after Barrett left the department.

The method of issuing fraud orders was then gone into at length, and the defense rested.

COVERNOR ODELL VETOES

TAMMANY GAS BI

## Conrad as Questioner.

Major Conrad took the witness in hand for cross-examination, taking Mr. Taggart's cross-examination, taking Mr. He inquired closely concerning the emoyment of the witness, and how he first got into the Government service. Witness said General Tyner had emloyed him. He had never known Tyner

ployed him. He had never known Tyner previously.

The bond investment cases, witness said, were in the hands of Barrett and Hayes Morgan. A report on one of these cases was submitted by the prosecution, with the annotation, in witness, handwriting, that it had been submitted "for Mr. Barrett."

In explanation for this witness said when it had been examined by him he had had nothing to do with bond investment companies. It had come to him with lottery cases, in which class they had been regarded in 1898, when witness had written an official opinion to that effect.

had written an official opinion to that effect.

Major Conrad inquired minutely as to where witness, as a clerk, drew the line on issuing or decining to issue a fraud order on the report of an inspector.

No matter what he thought, witness said, a memorandum was prepared for the head of the office to consider. The case was then decided on the weight of the evidence.

"Well, that is the way in every department of the Government, isn't it?" inqured Major Conrad.

"Well, if ought to be," replied the witness, after some hesitation.

The prosecution submitted a fraud order memorandum in use in February, 1900, and witness identified it as "a fair specimen." He was next asked whether any others were equal "in extent, thoroughness, and exhaustiveness of the subject" to the ones prepared by him.

The witness seemed a bit embarrassed and said it was not always the length of an opinion which proved its thoroughness.

Mr. Conrad drifted into a brief homily

Mr. Conrad drifted into a brief homily that "not all the biggest things are the best," and Mr. Worthington heaved a sigh which attracted attention.

Opposing counsel had a brief colloquy on the conduct of the cross-examination and recess was then taken.

Witness Huebner resumed the stand this afternoon and continued his testimony, telling about the New York Chemical Curaline Company, to show that Tyner did not always accept his conclusions on all matters.

## APPENDIXLESS CLUB FORMED. SIOUX CITY, Iowa, May 13.-The Appendixless Club, a social organization, has been formed in this city. Only men and women who have been operat-ed on for appendicitis are eligible to membership.

\$1.25 Washington to Baltimore and return, B. & O. R. R., every Saturday and Sunday, Tickets good returning until Sunday night. All trains except Royal Limited.

## AUCTION SALES.

S. BENSINGER, Auctioneer. Washington Horse and Carriage Bazaar, 940 Louisiana Avenue.

## SPEED! SPEED! SPEED!

1) MORNING, Commencing at 10 o'clock, 30 HEAD DRAUGHTERS AND DRIVERS, including some big, rugged workers and sm One chestnut combination mare; can go all gaits under saddle and is a fine driver.

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Also, at 11 sharp, by direction of owner, we will sell to highest bidder the well-known pacer, "GUY." This horse can step away better than a 2:15 gait; can be driven by most timid person.

S. BENSINGER, Auctioneer.

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Sunday, the 14th and 15th of May. It is an excellent opportunity to secure first-class horses.

Terms—Cash.

MCHENRY BROS.,

my12-3t

Hagerstcwn, Md.

## LEGAL NOTICES.

SUPREME COURT OF THE DISTRICT OF COLUMBIA, HOLDING A PRO-BATE COURT. No. 12,127, Admin-

BATE COURT. No. 12,127, Administration.

This is to give notice that the subscriber, of the District of Columbia, has obtained from the Probate Court of the District of Columbia letters of administration on the estate of Liboric Spugnardi, late of the District of Columbia, deceased. All persons having claims against the deceased are hereby warned to exhibit the same, with the vouchers thereof, legally authenticated, to the subscriber, on or before the 4th DAY OF MAY, A. D. 1965; otherwise they may by law be excluded from all benefit of said estate.

Given under my hand this 4th day of

(Seal.) WM. C. TAYLOR,
Deputy Register of Wills for the District of Columbia; Clerk of the Pro-

bate Court, EDWARD L. GIES, Attorney, my6,13,20

SUPREME COURT OF THE DISTRICT OF COLUMBIA, HOLDING A PRO-BATE COURT, No. 11,411, Admin-istration

BATE COURT, No. 11,411, Administration.

This is to give notice that the subscriber, who was by the Supreme Court of the District of Columbia granted letters testamentary on the estate of Ceorge T. Raub, deceased, has, with the approval of the Supreme Court of the District of Columbia, holding a Probate Court, appointed MONDAY, the 16th DAY OF MAY, 1994, at 19 O'CLOCK A. M., as the time, and said court room as the place, for making payment and distribution from said estate, under the court's direction and control, when and where all creditors and persons entitled to distributive shares or legacles or a residue, are notified to attend, in person or by agent or attorney duly authorized, with their claims against the estate residue, are notified to attend, in person or by agent or attorney duly authorized, with their claims against the estate properly vouched. Given under my hand this 28th day of April, 1904. GEO. W. LINKINS. By WM. H. LINKINS, Attorney.

of April.

By WM. H. LINKINS, Attest.

(Scal.)

Lepaty Register of Wills for the District of Columbia, Clerk of the Probate Court.

No Friction Between Delegate and Hierarchy-In Accord.

of Rome.

"There is no friction whatever be

tween the apostolic delegate and the rent report regarding the object of American hierarchy. The American Cardinal Sarolli's proposed visit to bishops are united and in perfect accord America, namely to settle disputes with the views of the Holy Father, and Rome is not apprehensive that they will

## TAMMANY GAS BILL

ALBANY, N. Y., May 13.-In a message coring Mayor McClellan and the New York Democrats in the Legislature, Governor Odell has announced his veto of

the Remsen gas bill. The governor gives the following rea-That it confers in perpetuity extra ter-ritorial rights now limited to a term of

n its home rule professions, but h dso made a fine play for public favor.

#### COMMITTEE ON ELECTION AT METROPOLITAN CHURCH

Justice Gould has appointed the Revs. F. Outwater, Robert R. West, and C. H. Phillips a committee to conduct the lection to be held tonight by the con-

return within ten days. Rate \$17 for the

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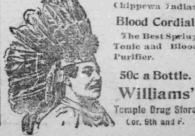
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SPECIAL NOTICES.

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of

or Nation-

eople not by District

OFFICE WASHINGTON GAS LIGHT CO., May 13, 1904.—To Consumers of Gas: The pressure in the street-main system will be materially reduced on SUNDAY, MAY 15, between the hours of 6 A. M. and 4 P. M., for the purpose of connecting 24-inch mains at the corner of North Capitol and G Streets, on account of work at new Union Station. This reduction in pressure will affect the entire city. WILLIAM B. ORME, Secretary. my13-2;

my13-2.

SPECIAL NOTICE—Washington, D. C., May 10, 1904.—A meeting is hereby called of the stockholders of the American Home Life Insurance Company, of Washington, D. C., a corporation organized under the laws of the District of Columbia, to be held on the 2sth DAY OF MAY, 1904, in the office of said corporation, at 509 G st. nw., Washington, D. C., at 4:30 O'CLOCK P. M., for the purpose of considering the question of increasing the amount of the capital stock of said corporation according to law. This call is made in pursuance of a resolution of the stockholders of said corporation passed on the 10th day of May, 1904, JAS. H. VERMILYA, JAMES H. CATON, C. T. YODER, G. W. CAVE, Directors. Attest: C. T. YODER, Secretary: my13,20,27

Mrt.S. E. G. WHITE, well known by her prophetic writings, will deliver an address at the First Seventh Day Adventist Church, on 8th st. ne., between F and G. sts., at 11 o'clock Saturday morning, May 14, Everybody is invited to attend this service. All are welcome, my12-2t THE FIRST annual meeting of the stockholders of the Mosaic Tile and Cement Brick Machinery Company will be held in its offices in the Bond Building, Washington, D. C., JUNE 8, 1994 AT NOON, for the purpose of electing a board of directors or trustees. THOS. J. PARKER, Secretary.

my8-20t

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